

**Remarks/Arguments:**

In response to the office action dated 10/19/2005 applicants have amended claims 18 and 21 and have cancelled claims 19, 20, 22-25 and 31. claim 18 is now the sole independent claim.

**Claim rejection under 35 U.S.C. § 101.**

Claims 27-30 and 33 are rejected under 35 U.S.C. §101 for lack of patentable utility and violating public interest. Such rejection is respectfully traversed.

The argument that the claimed invention lacks utility is without reasonable basis. The claimed invention is for a method to ship certain otherwise hazardous materials in a more efficient, less expensive, way by providing a particular type of packaging. As such it is a useful process and therefore patentable.

The argument that such method is against public interest as it would facilitate the shipment of hazardous materials freely to and from this country un-regulated is also incorrect. Whether an invention may be used by a criminal element or not is irrelevant so long as the claimed invention has a legitimate important lawful purpose. The present invention has a fully legitimate purpose in reducing the cost of shipment of security devices used by the banking industry to prevent theft of currency. The only reason shipment of the claimed materials is currently regulated is because such materials may ignite accidentally and cause injury or damage unless shipped in proper containers. The current regulations do not prohibit shipment of such materials but only prohibit the unsafe shipment of such materials. The present packaging has obtained government approval, and is only an additional shipping method that is both safe and less expensive than previously approved methods. Therefore such method is not against public interest.

**Rejection of claims under 35 U.S.C. § 112, 2d paragraph.**

Claims 18-31 and 33 are rejected under 35 U.S.C. §112, second paragraph as being indefinite. Amended claim 18 no longer contains the term "the top end" referred to in the office

action and proper antecedents have been provided where needed. Claim 31 has been cancelled.

**Rejections of claims 18-20, 22 and 33 under 35 U.S.C. §102**

1. Claims 18-20 22 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by Public Use. Claims 19, 20, and 22 have been cancelled. Claim 33 depends from independent claim 18.

The Examiner asserts that with respect to Claims 18 and 33, it is known to insert a letter into a standard envelope, seal the envelope and mail the envelope with the letter contained in the envelope. The Examiner further goes on to assert that the letter is normally a piece of paper and is capable of releasing gas and particulates (smoke and ashes) when burn; and the standard envelope is normally made from paper which is capable of allowing gas to escape while retaining particulates within the envelope.

Amended claim 18 now requires that shipment of hazardous materials be done using a unique design enclosure which comprises: "*...a front side, a back side, a closed bottom end said bottom end comprising a folded over portion wherein a portion of the enclosure is folded over thereby to form a sealed end and thereby prevent escape of the particulates therethrough, and a sealable top end comprising said opening said sealable top comprising a foldable flap portion extending past said open top adapted to be folded over said open top, said flap comprising an first adhesive strip on an inside surface thereof, the enclosure further comprising a second adhesive strip located on an outer surface of said back side at a position bellow said open top..*"

Applicants are not aware of the existence of any such structured envelope where the bottom comprises a folded over portion and the top has in addition to the usual adhesive strip on the inside of the flap a second adhesive strip on the outside of the envelope back, so that the envelope can only be sealed by first folding and adhering the flap to the outside surface of the front side of the envelope in the normal way, then following a second folding of the envelope body itself this time bringing around the adhesive in the back of the envelope and adhering this strip as well onto the front side to form the seal.

The claim clearly requires both the particular envelope structure and the step of performing the double adhesive steps.

Thus the steps required by the amended claim are not anticipated by any known public use. If the Examiner is aware of any such use, Applicants request either supporting evidence or an affidavit supporting such public use.

2. Claims 18-20, 22 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by USPS (Notice 71, Untied States Postal Service). As stated above, claims 19, 20, and 22 have been cancelled and claim 33 depends from independent claim 18. Applicants traverse this rejection for the following reasons.

The Examiner states that with respect to claims 18 and 33, USPS discloses a well-known method of mailing bombs wherein a bomb is placed in a standard envelope which is then sealed and mailed; wherein the standard envelope is normally made from paper which is capable of allowing gas to escape while retaining particulates within the envelope.

The amended claim 18 requires the presence of at least first and second adhesive strips which are placed in specified locations and are used to form a particular seal for the enclosure. The USPS notice 71 referred to by the Examiner does not disclose such elements/steps and, therefore, does not anticipate the amended claim.

3. Claims 18-20, 22 and 26 are rejected under 35 U.S.C. §102(b) as being anticipated by Benson *et al.* (U.S. 5,524,802). Again following this amendment only claim 18 and 33 remain and claim 33 is a dependent claim depending from claim 18. The rejection is traversed for the following reasons.

The Examiner asserts that Benson discloses a method for containing an article (14) in a container (pouch 12) including the steps of: providing a pouch (120 having a front wall (34), a back wall (36), a flap (42) with an adhesive strip (46) disposed thereon; inserting an article 914) between the front wall and the back wall; and folding the flap to seal the pouch (col. 3, lines 34-44); wherein the back wall (36) is preferably formed from light weight material such as SMS (spun bond/melt blown/sun bond) (col. 3, lines 18-24). Note that the article (14) is

capable of releasing gas and particulates (smoke and ashes) when burn, and the pouch (12) is capable of allowing gas to escape while retaining particulates within the pouch.

For the reasons explained in detail in (1) and (2) above claim 18 is not anticipated by this reference which does not disclose the specified envelope structure and therefore required steps for enclosing and sealing the device in the enclosure, as claimed in the amended claim.

Claims 18, 27-30 and 33 are rejected under 35 U.S.C. §102(b) as being anticipated by AAPA (Applicant Admitted Prior Art) and by 49 C.F.R. §173. Again the only remaining issue is whether amended independent claim 18 is anticipated.

The Examiner states that AAPA discloses a method of transporting hazardous material in compliance with 49 C.F.R. §173 in the Background of the Invention. The specific method of transporting hazardous material including pyrotechnic actuator, currency anti-theft device, tear gas, Mace, Pepper Spray, etc. in accordance to 49 C.F.R. §173 anticipates the broad claimed method of the present invention.

Anticipation requires that the claimed steps/elements be present in a single reference. A statement that a process is in compliance with certain regulations does not it and of itself anticipate the specific steps/elements claimed. The reference, here the regulations must specifically or inherently disclose every single claimed step/element. Nothing in the regulations cited shows the use of two adhesive strips as located on the enclosure near the open end to form an acceptable seal that complies with the cited regulations, nor the folded over feature for the other end of the enclosure. Therefore the regulations may disclose the objective of the invention but fall short of anticipating the way by which this invention complies with the regulation's objective..

#### **Rejections of claims 21 and 23-25 under 35 U.S.C. §103**

Claim 21 is rejected under 35 U.S.C. §103(a) as being unpatentable over Public Use in view of Greer *et al.* (U.S. 6,032,854). Claims 23-25 have been cancelled. Claim 21 is a claim dependent from claim 18 and as such includes all the limitations of claim 18.

The Examiner states that the known method of mailing letter meets all of applicants claimed subject matter except for the step of removing a removable covering over the adhesive since standard envelope does not inherently include such feature. However, envelope that is provided with removable covering over adhesive area, such as one disclosed in the Greer reference, has become known to the public and is widely used in office environment for its convenient feature such as quick sealing and without moistening the adhesive before sealing. Therefore, it would have been obvious to a skilled person in the art, at the time of the invention, to have modified the known method of mailing letter by having provided an envelope with a removable covering over the adhesive area, such as one disclosed by Greer, in order to quickly seal the envelope without moistening the adhesive.

As discussed above the amended claim 18 now requires the use of a specialized enclosure that utilizes at least two adhesive strips strategically located to force a folding over of the top portion of the enclosure and standard enclosure flap in order to form a proper seal. The amended claim also requires that the enclosure used has a folded over bottom side to assure that a proper seal is formed at that end as well. The cited reference as well as the public use do not suggest use of such structure to assure a seal that is secure enough to satisfy stringent shipping requirements for shipping hazardous materials as claimed, and as result do not render obvious the present invention as claimed in amended claim 18.

For the foregoing reasons Applicant respectfully requests reconsideration and allowance of all claims still pending in this application.

Respectfully submitted,

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Gayle D. Bay

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